UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

ELECTRONIC FILING PROCEDURES

Revised August 31, 2004

Appendix A

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DEFINITIONS

Adobe Acrobat - a universal application used to create and view documents in "PDF" format.

Attachment - an additional supporting document filed electronically with a pleading, motion or other paper.

Case Management/Electronic Case Filing System ("CM/ECF") - application designed by the Administrative Office for the electronic filing of cases, proceedings and documents via the Internet.

Docket Entry Number - the specific number assigned to every document which appears in the official docket.

Electronic Case Filing Order Template - the form of order required for the submission of proposed orders in the Electronic Filing System.

Electronic Filing Procedures - procedures adopted by the Court for the filing of documents in electronic form.

Electronic Filing System (the "System") - the Court's system that receives documents filed in electronic form via the Internet.

Electronic Service List - the list of case participants to which the System automatically sends the "Notice of Electronic Filing." Case participants include the Debtor's attorney, the U.S. Trustee, the case trustee, and anyone who has requested special notice.

Filing User - one who has completed a Registration Form for the purpose of filing petitions, pleadings, papers and other documents on the Electronic Filing System. Registration as a Filing User constitutes consent to receive service electronically, except for the purpose of obtaining personal jurisdiction and in accordance with the applicable rules and these Electronic Filing Procedures.

Local Rules ("LR") - the Local Rules of Practice of the United States Bankruptcy Court of the District of Nevada.

Notice of Electronic Filing - the verification that a filing has been made on the Electronic Filing System. The System automatically generates a "Notice of Electronic Filing" at the time a document is filed with the System. The Notice indicates the time of filing, the name of the party and the attorney filing the document, the type of document, and the text of the docket entry. It also contains a hyperlink to the filed document, allowing anyone receiving the Notice by e-mail to retrieve the document automatically.

PDF Format ("Portable Document Format") - a standard type of format used for imaged

documents created by Adobe Acrobat. To be filed in CM/ECF, all documents must be in "PDF" format.

PACER ("Public Access to Court Electronic Records) - a web-based system which provides access to federal case dockets and filings that have been stored electronically. A PACER account, a log-in and a password are required for access to PACER.

Password - the password which permits an attorney or other person to participate in the electronic retrieval and filing of documents in accordance with the Electronic Filing System.

Registration Form - provided by the office of the clerk for purposes of registering as a Filing User of the Electronic Filing System.

Signature ("S-Slash") - the CM/ECF form of signature in which the name of the Filing User under whose log-in and password the document is submitted is preceded by an "/s/" such as "/s/ Jane Doe" which is typed in the space where the signature would otherwise appear.

Sealed Document - a document to which access has been officially prevented.

User Login-In - the Court-issued identifier which grants access to the Electronic Filing System.

I. SCOPE OF ELECTRONIC FILING

A. Required for Designated Cases

All cases and proceedings filed on or after January 2, 2002 shall be assigned to the Electronic Filing System. Except as expressly provided in Section I (B) or in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, proofs of claim, and other pleadings and papers filed with the Court in connection with a case or proceeding assigned to the Electronic Filing System shall be filed electronically.

In a case or proceeding assigned to the Electronic Filing System after it has been opened, parties must promptly provide the clerk of the court with electronic copies of all documents previously provided in paper ("hard copy") form. All subsequent documents must be filed electronically except as provided in these Electronic Filing Procedures or as ordered by the Court.

Notwithstanding the foregoing, attorneys and others who are not Filing Users in the Electronic Filing System are not required to electronically file pleadings and other papers in a case or proceeding assigned to the System.

B. Exceptions to Electronic Filing

The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

1. Documents to be Filed Under Seal

A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. *See* Section XI.

2. Settlement Conference Statements

Statements delivered to the Court for the purposes of settlement conferences shall not be filed with the Court or served on the other parties, either by electronic or conventional means.

C. Emergency Motions

Emergency motions for orders shortening time may be filed electronically as provided by these Electronic Filing Procedures. The party filing the motion shall advise the judge's judicial assistant by telephone of the electronic filing of the emergency motion.

D. Withdrawal From System

Filing Users may notice their withdrawal from participation in the System in its entirety or from participation as a Filing User in a particular case or proceeding only by filing a written notice with the Court. The Filing User who is withdrawing must immediately notify, by electronic or conventional mail, all other Filing Users who are involved in cases and proceedings with the Filing User. In addition, upon withdrawal as a Filing User in the System or in a particular case or proceeding, the Filing User must provide the clerk of the court or the technical systems manager with written notice of such withdrawal. If the Filing User withdraws from the System in its entirety, upon receipt of written notice, the office of the clerk will immediately cancel the Filing User's password and will delete the Filing User from any applicable electronic service list.

II. ELIGIBILITY

A. Attorneys and Trustees

Attorneys admitted to the bar of this Court (including those admitted pro hac vice and attorneys authorized to represent the United States), United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and others as the Court deems appropriate may register as Filing Users of the Electronic Filing System. Registration is in the form prescribed by the clerk and these Electronic Filing Procedures and requires the Filing User's name, address, telephone number, Internet e-mail address, and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this Court and the attorney's bar number.

B. Pro-Se Parties and Petition Preparers

Pro-se parties and petition preparers may not register as Filing Users unless permitted to do so by the Court.

III. REGISTRATION, TRAINING AND PASSWORDS

A. Registration

1. Registration Form

A registration form shall be submitted for each attorney. A duplicate copy of the form attached to these Electronic Filing Procedures may be used. Such form may be amended by the Court from time to time.

2. Address For Registration Form

All registration forms shall be mailed or delivered to the following addresses as made applicable by LR 1071:

United States Bankruptcy Court
The Foley Federal Building and United States Courthouse
300 Las Vegas Blvd. South
Fourth Floor
Las Vegas, Nevada 89101
Attn: CM/ECF Systems Administrator

or

United States Bankruptcy Court
The C. Clifton Young Federal Building and United States Courthouse
300 Booth Street
Room 1109
Reno, Nevada 89509
Attn: CM/ECF DQA/Trainer

B. Training

Upon receipt of the Registration Form the office of the clerk will contact the attorney for the purpose of arranging for training on the System. The clerk's office shall provide the training at specifically scheduled dates.

C. Passwords

1. Receipt of Password

Each attorney admitted to practice in this Court, or others as the Court deems appropriate, shall be entitled to one Password to permit them to participate in the electronic retrieval and filing of documents in accordance with the System. Once the registration form has been processed and the training has been completed, the person registering for the System will receive notification of the User Log-In and Password which has been assigned by the System. Each attorney or other person registering for the System will receive an envelope from the office of the clerk, clearly marked "Personal and Confidential," which contains the System Password. Any person may request an alternative means for receiving a Password by telephoning the office of the clerk to arrange for retrieval of the Password.

2. Change of Password

For security purposes, Filing Users are encouraged to change their Password within 24 hours after they receive it. Filing Users are encouraged to change their Passwords periodically. The office of the clerk shall not maintain a record of a Filing User's Password.

3. Password Security

i. Prohibited Use

No Filing User or other person may knowingly permit or cause to permit a Filing User's Password to be used by anyone other than an authorized agent of the Filing User.

ii. Notice to Clerk's Office of Compromised Password

In the event a Filing User believes that the security of an existing Password has been compromised, the Filing User shall give immediate telephonic notice to the clerk of the court and the technical systems manager, confirmed by a written letter, to prevent use of that Password. Filing Users may be subject to sanctions for failure to comply with this provision.

IV. CONSENT TO ELECTRONIC SERVICE AND NOTICE; WHEN CONVENTIONAL SERVICE IS REQUIRED

A. Consent to Electronic Service and Notice

Registration as a Filing User constitutes written consent to service by electronic transmission under Fed. R. Civ. P. 5 and Fed. R. Bankr. P. 7005 and a written request for notice by electronic transmission under Fed. R. Bankr. P. 9036 as well as waiver of the following: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

B. When Conventional Service or Notice is Required

Notwithstanding the preceding Section IV (A), conventional service of documents in paper ("hard copy") form shall be required in the following circumstances:

- (1) Service of a summons and complaint is required to be made in accordance with Fed. R. Bankr. P. 7004, as noted above.
- (2) Service of a subpoena is required to be made in accordance with Fed. R. Bankr. P. 9016 and Fed. R. Civ. P. 45.
- (3) The Federal Rules of Bankruptcy Procedure, the Local Rules, or an order of the Court requires delivery or service upon an agency of the United States (except for the United States Trustee) or chambers.
 - (4) Notice is required under Fed. R. Bankr. P. 2002(a)(1).
 - (5) The Court orders that conventional notice or service be made.

V. SERVICE AND NOTICE OF DOCUMENTS BY ELECTRONIC MEANS; PAPER COURTESY COPIES FOR CHAMBERS

A. Transmission of "Notice of Electronic Filing" Constitutes Service or Notice

Each entity who electronically files a document must transmit a "Notice of Electronic Filing" generated by the System to the parties entitled to notice or service under the Federal Rules of Bankruptcy Procedure and the Local Rules. The "Notice of Electronic Filing" may be transmitted by court-generated e-mail, by hand, facsimile, or by first-class mail postage prepaid.

Except for service under Fed. R. Bankr. P. 7004 and for the other exceptions as listed in Section IV (B), electronic transmission of the "Notice of Electronic Filing" constitutes service or notice of the filed document on Filing Users. Parties are entitled to receive a paper copy of any electronically filed document where service is required to be made in accordance with Fed. R. Bankr. P. 7004, in other circumstances where conventional service is required as listed in Section IV, or where parties are not Filing Users. Service or notice must be made according to the Federal Rules of Bankruptcy Procedure and the Local Rules.

A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

B. Paper Courtesy Copies for Chambers

Filing Users shall provide paper courtesy copies for chambers of all motions, oppositions, replies, and memoranda of law together with all exhibits and attachments which have been submitted in electronic form on the System until further order by the Court.

VI. ATTACHMENTS AND EXHIBITS

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits conventional filing. A Filing User must submit as exhibits or attachments only those documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments electronically do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete documents that they believe are directly germane. The Court may require parties to file additional excerpts or the complete document.

VII. CONSEQUENCES OF ELECTRONIC FILING

A. Time

1. When Documents Are Deemed Filed

Except in the case of documents first filed in paper ("hard copy") form and subsequently submitted electronically as required by Section I, a document filed electronically is deemed filed on the date and time stated on the "Notice of Electronic Filing."

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

2. Additional Time After Service by Electronic Means

When there is a right or requirement to do some act or undertake some proceedings within a prescribed period after service of a notice or other paper and the notice or paper other than process is served electronically, three days shall be added to the prescribed period as allowed pursuant to Fed. R. Bankr. P. 9006(f).

B. Filing and Entry on Docket

Electronic transmission of a document to the Electronic Filing System consistent with these Electronic Filing Procedures, together with the System's transmission of a "Notice of Electronic Filing," constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

Before filing a scanned document with the Court, a Filing User must verify its legibility.

C. Official Record

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court and the filing party is bound by the document as filed.

D. Title of Docket Entries

The Filing User is responsible for designating a title for the pleading, paper or other document using one of the main categories provided by the System; *e.g.*, "motion."

VIII. Signatures

A. Filing User's Signature

The User Log-In and Password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the other Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Each document filed electronically must indicate that it has been electronically filed.

B. Use of Password by Filing User's Agent

A Filing User may permit his/her Password to be used by an authorized agent of the Filing User, subject to Section VIII (A), above. No Filing User or other person may knowingly permit or cause to permit a Filing User's Password to be used by anyone other than an authorized agent of the Filing User.

C. Signature Block

Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's bar registration number. In addition, the name of the Filing User under whose Log-In and Password the document is submitted must be preceded by an "/s/" such as "/s/ Jane Doe" and typed in the space where the signature would otherwise appear.

Documents containing the signature of non-Filing Users are to be filed electronically with the signature represented by a "/s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image.

D. Documents Requiring Original Signatures

1. Documents Requiring Debtor's Signature; "Declaration re: Electronic Filing"

Petitions, lists, schedules and statements and plans (if applicable) requiring the signature of the debtor shall be filed electronically. Before the document(s) are electronically filed the debtor must sign a "Declaration Re: Electronic Filing of Petition, Schedules, Statements and Plan" ("Declaration"). Within fifteen (15) days after the electronic filing, the debtor must file the executed "Declaration" by either electronic or conventional means. If the "Declaration" is filed electronically, the image of the original must be attached to the document(s) in PDF format; and the original signed "Declaration" shall be retained by the Filing User for the latter of five (5) years or the maximum allowable time necessary to complete the appellate process, and upon request, the original "Declaration" shall be provided to other parties or to the Court for review.

If after fifteen (15) days the "Declaration" has not been filed by either electronic or conventional means, the Court may enter an order of dismissal for failure to file missing documents. A "Declaration re: Electronic Filing of Petition, Schedules, Statements and Plan (if applicable)" is attached to these Electronic Filing Procedures.

A Declaration is required to be filed with each amendment to a petition, schedule, statement and/or plan requiring the signature of the debtor.

2. Other Documents

Amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically and bear "electronic signatures" such as "/s/ Jane Doe." Pursuant to Section XII, the original signed document shall be maintained in original paper ("hard copy") form by the Filing User who made the filing for the later of five (5) years or the maximum allowable time necessary to complete the appellate process, and upon request, the original of any such document shall be provided to other parties or to the Court for review.

E. Multiple Signatures

Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three (3) business days after filing; or (4) in any other manner approved by the Court.

IX. ENTRY OF COURT-ISSUED DOCUMENTS

A. Electronic Filing by Court

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these Electronic Filing Procedures, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021. For all cases and proceedings assigned to the Electronic Filing System every order, judgment, or other court-issued document requiring a judge's signature, including orders to show cause, shall be filed electronically by the Court. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the document and it had been entered on the docket in a conventional manner.

The Court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

B. Submission of Proposed Orders

A Filing User who submits a proposed order, judgment, findings of fact, or other document requiring a judge's signature may submit the proposed order electronically in PDF format.

C. Form of Proposed Orders

- 1. Proposed orders and other documents which are submitted must comply with all Local Rules, including LR 9004 and LR 9021. Filing Users shall comply with LR 9021(b) by either: (1) certifying that the Filing User served a copy to all opposing counsel and the trustee pursuant to Section V above and waiting five business days before submission; or (2) certifying that the party upon whom the Filing User served the original either approved or disapproved the proposed order as to form. Proposed orders may not be combined with the application or motion as one document. The application or motion must be entered on the docket prior to submitting the proposed order.
- **2.** Proposed orders and other documents which do not comply will be returned as defective. Notification of defects in a proposed order may be provided by e-mail.
- **3.** Once entered, a conformed copy of the order or other document may be obtained by accessing the System.

X. NOTICE OF JUDGMENT OR ORDER OF BANKRUPTCY JUDGE

Immediately upon the entry of a judgment or order which has been generated by a bankruptcy judge in a case or proceeding assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the matter a "Notice of Electronic Filing." Electronic transmission of the "Notice of Electronic Filing" constitutes the notice required by Fed.R.Bankr.P. 9022. The clerk shall give notice to a person who has not consented to electronic service in paper ("hard copy") form in accordance with the Federal Rules of Bankruptcy Procedure. Any attorney who has prepared and submitted a judgment or order to the Court, upon receipt of either electronic or paper ("hard copy") notice of the docketing of the submitted judgment or order, shall be responsible for noticing of such judgment or order as required by LR 9022.

XI. DOCUMENTS UNDER SEAL

A. Motion

A motion to file documents under seal (but not the documents themselves) shall be filed electronically, unless prohibited by law. If the motion itself contains confidential information, the movant shall serve and file electronically a redacted version clearly marked as such, and submit an unredacted version in camera. If requested by the Court, the movant shall deliver paper copies of the documents proposed to be filed under seal to the presiding judge for in camera review.

B. Order

The order of the Court authorizing the filing of documents under seal shall be filed electronically unless prohibited by law.

C. Form

If the Court grants the motion, in whole or in part, the movant shall deliver to the clerk of the court a paper ("hard copy") form of the documents to be filed under seal. A copy of the sealing order in paper ("hard copy") form shall be attached to the hard copy of the sealed documents.

D. Filing of Sealed Documents

Unless otherwise ordered by the Court, the clerk of the court shall file any documents ordered to be filed under seal conventionally and not electronically.

XII. RETENTION REQUIREMENTS

A. Time For Retention

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in original paper ("hard copy") form by the Filing User who made the filing for the later of five (5) years or the maximum allowable time necessary to complete the appellate process.

B. Review of Retained Documents

Upon request, the original document must be provided to other parties or the Court for review.

XIII. TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

XIV. PUBLIC ACCESS

A. Internet Access

Any person or organization, other than one registered as a Filing User, may access the Electronic Filing System at the Court's Internet site www.nvb.uscourts.gov by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but may not file documents.

B. Access in Clerk's Office

Internet access to the documents filed on the System and Internet access to the

docket is available for viewing, without obtaining a Password, in the office of the clerk during regular business hours, Monday through Friday.

C. Limiting Electronic Filing or Access

In connection with the filing of any material in an action assigned to the Electronic Filing System, any person may apply by motion for an order limiting electronic access to, or prohibiting the electronic filing of, certain specifically-identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

D. Prohibited Use

Information posted on the Electronic Filing System must not be used for any purpose inconsistent with the privacy concerns of any person or entity.

XV. COPIES OF ELECTRONICALLY FILED DOCUMENTS

Conventional copies and certified copies of electronically filed documents may be obtained from the office of the clerk during regular business hours, Monday through Friday at the following addresses:

Unofficial Southern Division: United States Bankruptcy Court

Foley Federal Building and United States Courthouse

300 Las Vegas Blvd. South

Fourth Floor

Las Vegas, Nevada 89101

Unofficial Northern Division: United States Bankruptcy Court
The C. Clifton Young Federal Building
and United States Courthouse
300 Booth St.

Room 1109 Reno, Nevada 89509.

The fee for copying and certification shall be in accordance with 28 U.S.C. § 1930.

XVI. FEES PAYABLE TO THE CLERK

Application for authorization of credit card payment must be made with the office of the clerk prior to electronically filing documents requiring fees.

Revision Table

Revisions to Electronic Filing Procedures

indicate that it has been electronically filed. Sec. VIII ©). Added: "Documents containing the signature of non-Filing Users are to be filed electronically with the signature represented by a "/s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image." Sec. IX (A). Added provisions that electronic filing of	Revision Date	Section(s) Affected and Comments
sec. IX (B); ©). Added provision that Filing User may submit proposed order electronically in PDF format; deleted provisions as to submission of orders via floppy disk and e-mail. Sec. XI (A); (B). Added "unless prohibited by law."		Sec. III. Revised court address. Sec. V (A). Added provision requiring certificate of service for all electronically filed documents. Sec. V ©). Deleted requirement that paper copies be provided to trustees. Sec. VI. Added new section heading; revised requirements as to excerpted material. Sec. VII (A). Added provision that filing must be completed before midnight "local time where the Court is located" in order to be considered timely filed that day. Sec. VII (B). Added requirement that: "Before filing a scanned document with the Court, a Filing User must verify its legibility." Sec. VIII (A). Added requirement that a document must indicate that it has been electronically filed. Sec. VIII ©). Added: "Documents containing the signature of non-Filing Users are to be filed electronically with the signature represented by a "/s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image." Sec. IX (A). Added provisions that electronic filing of court-issued documents constitutes entry on the docket, and that Court may issue a summons electronically. Sec. IX (B); ©). Added provision that Filing User may submit proposed order electronically in PDF format; deleted provisions as to submission of orders via floppy disk and e-mail.